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OFFICE OF PETITIONS

In re Application of :  
Dirk Lenz :  
Application No. 09/940,565 : DECISION GRANTING PETITION  
Filed: August 28, 2001 : UNDER 37 CFR 1.137(b)  
Atty Dkt No. Beiersdorf 738-KGB :  
:

This is a decision on the petition under 37 CFR 1.137(b), filed February 1, 2005, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply within the meaning of 37 CFR 1.113 in a timely manner to the final Office action mailed April 22, 2004, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on July 23, 2004.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of a request for continued examination (RCE) and submission pursuant to the provisions of 37 CFR 1.114; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the final Office action of April 22, 2004 is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3218.

The application file is being forwarded to Technology Center AU 1771 for processing of the RCE and for appropriate action on the concurrently filed amendment.

*Frances Hicks*  
Frances Hicks  
Petitions Examiner  
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for Patent Examination Policy